



Legislation Text

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File #: Int 0761-2000, Version: \*

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Int. No. 761

By The Speaker (Council Member Vallone) and Council Members Malave-Dilan, Espada, Henry, Lopez, Quinn, Reed, Rodriguez, Abel, Fiala, Golden and Stabile; also Council Members Foster, Harrison, Koslowitz, Michels, Nelson, O'Donovan, Povman, Robinson, Ognibene and DiBrienza

A Local Law to amend the administrative code of the city of New York, in relation to requiring that vehicles used to vend frozen desserts be equipped with caution arm stop signs and convex mirrors.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding thereto a new section 19-180 to read as follows:

§19-180. Caution arms on vehicles used to vend frozen desserts.

a. (i) The terms “vehicle,” “vend,” “public space,” and “person” shall have the same meanings, respectively, as are set forth in §17-306 of this code.

(ii) “Frozen dessert” shall mean ice cream, frozen custard, French ice cream, French custard ice cream, artificially sweetened ice cream, ice milk, artificially sweetened ice milk, fruit sherbet, nonfruit sherbet, water ices, nonfruit water ices, quiescently frozen confection, quiescently frozen dairy confection, manufactured desserts mix, frozen confection, mellorine frozen dessert, parevine, frozen yogurt, freezer-made shakes, freezer-made milk shakes, lo-mel, and dietary frozen dessert as all such products are commonly known, together with any mix used in such frozen desserts and any products which are similar in appearance, odor or taste to such products, or are prepared or frozen as frozen desserts are customarily prepared or frozen, whether made with dairy products or nondairy products.

b. In addition to any other equipment required by law, any vehicle used to vend frozen desserts that is subject to the provisions of chapter 3 of title 17 of this code that operates in a public space shall be equipped with a caution arm capable of being displayed on both the left and right sides of the vehicle which meets the specifications of subdivision c of this section. The caution arm shall be horizontally extended on the roadway side of the vehicle whenever the vehicle is stopped in a public space and used to vend frozen desserts. Such caution arm shall be retracted whenever the vehicle is in motion or is not being used to vend frozen desserts.

b. The caution arm required by subdivision b of this section shall be constructed of

metal or other durable materials. That part of the caution arm that is attached to the vehicle itself shall be seven and three-sixteenths inches in height and, when extended outward and to the side of the vehicle, shall extend to a length of eighteen inches and flared to a height of eighteen inches. Located at each of the four corners of the eighteen-inch side shall be a flashing amber light visible from the front and rear of the vehicle. These lights shall be four inches in diameter and shall flash simultaneously when the caution arm is extended. The background of the caution arm shall be red and shall be reflective. The lettering shall be white. In the middle, in letters five inches in height, shall be the word "STOP", just above the word "STOP" in letters two inches in height shall be the words "IF SAFE", and just below the word "STOP" in letters two inches in height shall be the words "THEN GO." The caution arm shall be lettered in the manner described in this subdivision on both sides so that it will be visible from both the front and rear of the vehicle. The top of the caution arm shall be positioned no more than six inches in height from the bottom of the side window of the vehicle or from the bottom of the exterior side view mirror of the vehicle, whichever is lower.

d. In addition to any other equipment required by law, any vehicle used to vend frozen desserts that is subject to the provisions of chapter 3 of title 17 of this code that operates in a public space shall be equipped with convex mirrors mounted on the front and rear of the vehicle so that the driver, in the normal seated position, can see the area in front of the truck obscured by the hood of the vehicle and an area in the rear extending across the truck and four feet to the rear of the bumper.

e. Any person who violates the provisions of subdivisions b, c or d of this section shall be liable for a civil penalty for each violation as follows:

(i) for the first violation, a civil penalty of not less than fifty dollars nor more than one hundred dollars;

(ii) for the second violation within a period of one year from the date of the first violation, a civil penalty of not less than one hundred dollars nor more than one hundred and fifty dollars;

(iii) for a third violation within a period of one year from the date of the first violation, a civil penalty of not less than one hundred and fifty dollars nor more than three hundred dollars; and

(iv) for any subsequent violations within a period of one year from the date of the first violation, a civil penalty of not less than three hundred dollars nor more than five hundred dollars.

The penalties provided for in this subdivision shall be in addition to any other penalties provided by law.

f. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision e of this section shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board or the administrative tribunal established by the board of health. The environmental control board or such administrative tribunal shall have the power to

impose the civil penalties prescribed by subdivision e of this section.

g. The provisions of this section shall be enforced by authorized officers and employees of the department, the department of health and by members of the police department.

§2. This local law shall take effect 120 days after it is enacted into law.